

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-151000
Against)	
)	ORDER 01
ALPHA OMEGA TOURS &)	
CHARTERS, INC.)	ORDER DENYING MITIGATION
)	
in the amount of \$100)	
.....)	

BACKGROUND

- 1 Washington law requires charter and excursion carriers to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-30-071. On February 27, 2015, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all charter and excursion carriers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2015, or face penalties of \$100 for each violation of Commission rules. In the case of continuing violations, each day’s continuance is a separate violation. RCW 80.04.405.
- 2 Alpha Omega Tours & Charters, Inc. (Alpha Omega Tours or Company) filed its annual report late on May 4, 2015. On June 8, the Commission assessed a penalty of \$100 against Alpha Omega Tours, calculated as \$100 per business day from May 1 to May 4.
- 3 On June 15, 2015, Alpha Omega Tours responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it mailed its annual report on April 30, 2015, and requested the penalty be waived or reduced based on the Company’s past compliance.
- 4 On June 26, 2015, Commission staff (Staff) filed a response recommending the Commission deny the Company’s request for mitigation. Staff explained that the Company filed its annual report late in 2009, and failed to present any new or compelling information for the Commission to consider.

DISCUSSION

5 WAC 480-30-071 requires charter and excursion carriers to file annual reports by May 1
of each year. Companies are responsible for complying with their legal obligations, and
the Company should have ensured its annual report was timely filed.

6 We agree with Staff that mitigation of the penalty is not appropriate here. The
Commission may consider a number of factors when entertaining a request for
mitigation, including a company's history of compliance and the likelihood the violation
will recur.¹ Here, Alpha Omega Tours received and paid a \$100 penalty for filing its
annual report late in 2009. In addition, the Company has not presented any new or
compelling information that warrants a reduced penalty. Accordingly, we find the \$100
penalty is appropriate to deter repeat violations.

ORDER

THE COMMISSION ORDERS:

7 (1) Alpha Omega Tours & Charters, Inc.'s request for mitigation of the \$100 penalty
is DENIED.

8 (2) The \$100 penalty is due and payable no later than July 10, 2015.

9 The Secretary has been delegated authority to enter this order on behalf of the
Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective June 30, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

¹ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation
Commission (January 7, 2013).

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.